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October 2, 2018

By ECF Filing

Honorable Sean H. Lane
United States Bankruptcy Judge
One Bowling Green
New York, New York 10004-1408

Re: In re: 261 East 78 Lofts, LLC
Case No. 16-11644 (SHL)

Dear Judge Lane:

I am writing on behalf of the above referenced Debtor to request that Your Honor provide assistance to the parties in their efforts to mediate the claims objections.

The parties were scheduled to mediate the Debtor's objections to claims of Besen & Associates, Inc. ("Besen") (ECF #s 93 and 94), Joseph Zelik ("Mr. Zelik") (ECF #97) and Peter Dong ("Dong") (ECF #98) at the Bankruptcy Court on September 6, 2018.

Mr. Zelik had initially communicated some reservations about mediation while there were outstanding depositions. The Madison Lenders have now been deposed, as have counsel for Madison, Miller and Sprei, however, Mr. Zelik nonetheless declined to participate in the September 6 mediation.

We were advised that Mr. Zelik has been consulting with his personal counsel on how best to proceed, and was in Israel for the Jewish holidays. It is my understanding that he returned last week, but there has been no further communication from Mr. Zelik's counsel.

We thereafter respectfully request that the Court convene a conference of all interested parties by telephone or in person at the Court, so we can discuss compelling mediation so as to avoid a series of lengthy trials over the \$430,000 that is at stake.

Respectfully yours,



J. Ted Donovan, Esq.

cc: David Tillem, Esq.
Daniel Swayze, Esq.
Cliff Katz, Esq.
Andrew Goldsmith, Esq.
Paul Schwartzberg, Esq.